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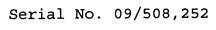
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FIRST NAMED INVENTOR APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. CONFIRMATION NO. 09/508,252 03/08/2000 MICHIO ASANO Q58192 9597 7590 05/09/2003 SUGHRUE MION ZINN EXAMINER MACPEAK & SEAS MULCAHY, PETER D 2100 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20037-3213 ART UNIT PAPER NUMBER

> 1713 DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

			nk-2
Office Action Summary	Application No.	Applicant(s)	
	09/508,252	ASANO ET AL.	
	Examin r	Art Unit	
	Peter D. Mulcahy	1713	<u></u>
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet w	ith the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a report of the period for reply is specified above, the maximum statutory period. Failure to reply within the set or extended period for reply will, by statured. - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	.136(a). In no event, however, may a oly within the statutory minimum of thi will apply and will expire SIX (6) MO te. cause the application to become A	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
1) Responsive to communication(s) filed on <u>07</u>	March 2003 .		
2a) This action is FINAL . 2b) ⊠ T	his action is non-final.		
3) Since this application is in condition for allow closed in accordance with the practice under Disposition of Claims	vance except for formal ma r <i>Ex parte Quayle</i> , 1935 C	ntters, prosecution as to the merits is D. 11, 453 O.G. 213.	٠
4)⊠ Claim(s) <u>1,3,4,8.11 and 12</u> is/are pending in	the application.		
4a) Of the above claim(s) is/are withdra	awn from consideration.		
5)⊠ Claim(s) <u>1,3 and 4</u> is/are allowed.			
6)⊠ Claim(s) <u>8 and 11.12</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and/	or election requirement.		
Application Papers			
9)☐ The specification is objected to by the Examin			
10)☐ The drawing(s) filed on is/are: a)☐ acce			
Applicant may not request that any objection to the			
11) The proposed drawing correction filed on		disapproved by the Examiner.	
If approved, corrected drawings are required in re	• •		
12) The oath or declaration is objected to by the E	xamıner.		
Priority under 35 U.S.C. §§ 119 and 120			
13) Acknowledgment is made of a claim for foreig	in priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
a) ☐ All b) ☐ Some * c) ☐ None of:			
1. Certified copies of the priority documen			
2. Certified copies of the priority documer			
3. Copies of the certified copies of the pri- application from the International B* See the attached detailed Office action for a lis	ureau (PCT Rule 17.2(a)).		
14) Acknowledgment is made of a claim for domes	tic priority under 35 U.S.C	§ 119(e) (to a provisional application	1).
 a) The translation of the foreign language present 15) Acknowledgment is made of a claim for domest 			
Attachment(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	
S. Patent and Trademark Office			



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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) The invention was described in (1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8, 11 and 12 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Asano et al., U.S. Patent 6,037,402.

As pointed out by the Examiner in Paper No. 15, it appears that this patent constitutes prior art under 35 U.S.C. § 102(e).

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This point has not been disputed by applicants and as such the rejection is herein maintained.

Claim 8 and the dependent claims are defined by a property. The prior art shows each of the claimed ingredients and it would appear reasonable that the prior art would possess properties which would either anticipate or render obvious those as instantly claimed. Applicants have failed to show or allege that such is not the case.

Claims 1, 3 and 4 would appear allowable over the prior art at this time. Applicants' arguments with respect to these claims have been found persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy, whose telephone number is (703) 308-2449. The examiner can normally be reached on Tuesday through Friday from 7:30 A.M. to 6:00 P.M.

The fax telephone number for this group is (703) 305-3599.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.

P. Mulcahy:cdc May 5, 2003

PRIMARY EXAMINER